

# In the Indiana Supreme Court



STATE OF INDIANA <i>ex rel.</i>	)	Supreme Court No.
Glenn D. COMMONS, <i>et al.</i> ,	)	45S00-1303-OR-209
Relators,	)	
	)	
v.	)	
	)	
THE HON. JOHN R. PERA, as CHIEF	)	
JUDGE OF THE LAKE SUPERIOR	)	
COURT, <i>et al.</i> ,	)	
Respondents.	)	

## EMERGENCY WRIT AND ORDER ON FURTHER PROCEEDINGS

Relators, by counsel, have filed an application for a permanent writ of mandamus and prohibition, seeking relief under the Rules of Procedure for Original Actions against the following Respondents: the Hon. John R. Pera, Chief Judge of the Lake Superior Court and Judge of the Civil Division of the Lake Superior Court; the Hon. Diane Kavadias Schneider, the Hon. William E. Davis, the Hon. John M. Sedia, the Hon. Calvin D. Hawkins, the Hon. Elizabeth F. Tavitas, and the Hon. Gerald N. Svetanoff, as Judges of the Civil Division of the Lake Superior Court; the Hon. Mary Beth Bonaventura, as Judge of the Lake Superior Court, Juvenile Division; the Hon. Salvador Vasquez, the Hon. Clarence D. Murray, the Hon. Diane Ross Boswell, and the Hon. Thomas P. Stefaniak, Jr., Judges of the Criminal Division of the Lake Superior Court; the Hon. Nicholas Schiralli, the Hon. Sheila Moss, the Hon. Julie Cantrell, and the Hon. Jesse M. Villalpando, as Judges of the Lake Superior Court, County Division; and the Hon. George C. Paras, as Judge of the Lake Circuit Court.

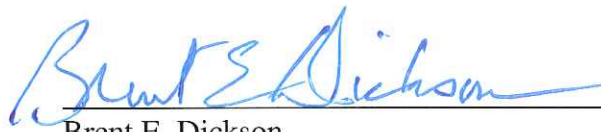
Relators have also requested an emergency writ to stay proceedings and maintain the *status quo* until this Court can address their request for a permanent writ. *See* Ind. Original Action Rule 3(E)(1).

The Court GRANTS the request for an emergency writ in the following manner. This Court ORDERS that any proceedings by Respondents concerning the transfer of Judge Schiralli to preside over the Lake Superior Court, Juvenile Division, are STAYED until the Supreme Court may rule upon Relators' request for a permanent writ of mandamus and prohibition. By a separate order, the Supreme Court shall appoint a Judge Pro Tempore to preside over the Lake Superior Court, Juvenile Division, upon the retirement of Judge Bonaventura, until the Court may rule upon Relators' request for a permanent writ of mandamus and prohibition.

This Court also determines that this original action warrants additional briefing. Accordingly, Respondents, by themselves or by counsel, may file a brief opposing issuance of the writ. The Court expects that any Respondent wishing to file a brief opposing issuance of the writ will confer with other such Respondents and file a joint brief, if possible, or, if that is not possible, that they will at least confer with each other and eliminate any duplication of content in such briefs. Any papers tendered for filing in this action, including any exhibits or record, must comply with Original Action Rule 3(J). Such briefs should be filed directly with the Clerk of the Supreme Court in Indianapolis and must be physically on file with the Clerk (not merely in the mail) on or before **noon, Indianapolis time, on Monday, April 8, 2013**. Once briefing is completed, the Court will take the matter under advisement.

The Clerk is directed to send a certified copy of this order, as well as an e-mail copy of this order, to all Judges named as Respondents in this action; to R. Cordell Funk, 6629 W. Lincoln Hwy. US 30, Crown Point, IN 46307; to Gregory F. Zoeller, Indiana Attorney General; and to Steve Creason, Chief Counsel and Deputy Attorney General. The Clerk is also directed to post a copy of this order the Court's website.

Done at Indianapolis, Indiana, on March 21, 2013.

  
Brent E. Dickson  
Chief Justice of Indiana